EXPLANATORY MEMORANDUM TO

THE BEDFORDSHIRE FIRE SERVICES (COMBINATION SCHEME) (VARIATION) ORDER 2012

2012 No. 2879

1. This explanatory memorandum has been prepared by the Department of Communities and Local Government and is laid before .Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument makes amendments to the scheme set out in the *Bedfordshire Fire Services (Combination Scheme) Order 1996* (SI 1996/2918) in order to change the name of the authority from the "Bedfordshire and Luton Combined Fire Authority" to the "Bedfordshire Fire and Rescue Authority".

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Bedfordshire and Luton Combined Fire Authority was created by the *Bedfordshire Fire Services (Combination Scheme) Order 1996 ("the 1996 Order"),* which sets out the Bedfordshire Fire Services Combination Scheme. Section 4 of the Fire and Rescue Services Act 2004 ("the 2004 Act") enables schemes (such as this one) made under the Fire Services Act 1947 to be amended. To change the name of the fire authority therefore requires an amendment to the scheme in the 1996 Order.

4.2 The procedure for amending a scheme is for the Secretary of State to consult a range of sector partners, with non-agreement necessitating an inquiry (unless certain other considerations apply).

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 As a result of the 2009 local government re-organisation – specifically, the abolition of Bedfordshire County Council and the creation of Bedford Borough Council and the Central Bedfordshire Unitary Authority – the Bedfordshire and Luton Combined Fire Authority considered that its name no longer accurately represented its constituent authorities.

7.2 Therefore, in Spring 2012, the Bedfordshire and Luton Combined Fire Authority made an application to the Secretary of State to change its name to the Bedfordshire Fire and Rescue Authority.

7.3 The procedure for an amendment of the 1996 Order is set out in section 4 of the 2004 Act, and requires the Secretary of State to consult a range of sector partners likely to be

affected, or whose areas cover the fire authorities, or if considered appropriate. Non-agreement would necessitate an inquiry.

7.4 In August 2012, the Department for Communities and Local Government consulted selected sector partners, including local authorities and fire and rescue authorities (seven in total) in addition to the Local Government Association and the Chief Fire Officers' Association.

7.5 This instrument therefore amends the relevant legislation and changes the name of the authority to the "Bedfordshire Fire and Rescue Authority". We are keen to bring the instrument into force in early December in order to reflect the new name in the Local Government Finance Report for 2013-14, which goes out for consultation in late December.

Consolidation
7.2 There are no plans to consolidate this instrument with the instrument it amends.

8. Consultation outcome
8.1 The Department consulted from 28 August to 25 September 2012 ten organisations including (as required in section 4 of the 2004 Act):

- fire and rescue authorities likely to be affected
- other authorities that would be a fire and rescue authority but for the combination
- local authorities having an area covered by the combined fire and rescue authority
- other appropriate persons.

8.2 There were six responses. These were from: Bedfordshire and Luton Combined Fire Authority, the Bedford Borough Council, Central Bedfordshire Council, Hertfordshire County Council, the Local Government Association and the Chief Fire Officers' Association. All supported the proposal to change the name. There were no expressions of dissent.

8.3 Luton Borough Council, Bedford Borough Council, and Bedfordshire Unitary Authority had already been approached by the Bedfordshire and Luton (Combined) Fire Authority regarding their application for a name change. Their letters of support were enclosed with the letter of application for a change of name sent to the Department in Spring 2012.

9. Guidance
9.1 There is no guidance being published alongside the statutory instrument.

10. Impact
10.1 The only impact of this instrument is on the fire authority whose name is being change at their request. The other bodies who deal with this authority will be affected by the fire authority's name change, but this is not likely to be significant.

11. Regulating small business
11.1 This legislation is not applicable to any small businesses.

12. Monitoring & review
12.1 External monitoring or review is not appropriate in this case.

13 Contact

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